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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IYO, INC.

Plaintiff,

v.

IO PRODUCTS, INC., OPENAI, INC.,
OPENAI, LLC, SAM ALTMAN, and SIR
JONATHAN PAUL IVE,

Defendants.

Case No. 3:25-cv-4861-TLT

**STIPULATION WITH [PROPOSED]
ORDER TO STAY PROCEEDINGS
PENDING APPEAL**

Hon. Trina L. Thompson
Courtroom 9, 19th Floor

Complaint Filed: June 9, 2025
Trial: January 10, 2028

1 Plaintiff IYO, Inc. (“IYO”) and Defendants io Products, Inc., OpenAI, Inc., OpenAI, LLC,
 2 Sam Altman, and Sir Jonathan Paul Ive (collectively, “Defendants”) (and together with IYO, the
 3 “Parties”), by and through their counsel of record, hereby stipulate, subject to Court approval, as
 4 follows:

5 WHEREAS, on June 20, 2025, the Court issued its Order Granting Motion for Temporary
 6 Restraining Order (Dkt. 51 (the “Temporary Restraining Order”)), which set a deadline of August
 7 1, 2025 for IYO to file any motion for preliminary injunction, a deadline of August 22, 2025 for
 8 Defendants to file any response, a deadline of September 5, 2025 for IYO to file any reply, and a
 9 hearing on IYO’s motion for preliminary injunction for October 7, 2025;

10 WHEREAS, on June 26, 2025, Defendants filed their Notice of Appeal of the Temporary
 11 Restraining Order to the Ninth Circuit Court of Appeals (Dkt. 53 (the “Notice of Appeal”));

12 WHEREAS, on July 1, 2025, the Ninth Circuit Court of Appeals docketed Defendants’
 13 appeal (the “Appeal”) and entered a Preliminary Injunction Time Schedule Notice (Dkt. 54), setting
 14 a deadline of July 25, 2025 for Defendants’ Preliminary Injunction Opening Brief and a deadline of
 15 August 22, 2025 for IYO’s Preliminary Injunction Answering Brief;

16 WHEREAS, the Parties have agreed to file a Joint Motion to further expedite the Appeal
 17 that sets a deadline of July 24, 2025 for Defendants’ Preliminary Injunction Opening Brief, a
 18 deadline of August 14, 2025 for IYO’s Preliminary Injunction Answering Brief, and a deadline of
 19 August 28, 2025 for Defendants’ Reply Brief;

20 WHEREAS, for purposes of judicial economy and to avoid concurrent proceedings, the
 21 Parties agree that this action should be stayed for a period while Defendants’ Appeal is before the
 22 Ninth Circuit Court of Appeals;

23 WHEREAS, no previous time modifications affecting the Court’s scheduling order have
 24 occurred in this action;

25 NOW THEREFORE, the parties stipulate and agree, and respectfully request that the Court
 26 order, as follows:

27 1. Pursuant to the Court’s inherent power to manage its docket, this action shall be
 28 stayed for all purposes pending the Ninth Circuit Court of Appeals issuing a decision on the Appeal.

1 2. All deadlines set in the Temporary Restraining Order shall be vacated, except that
2 the hearing on IYO's motion for preliminary injunction shall be reset to March 17, 2026, or the
3 soonest available date thereafter.

4 3. Within one week of the Ninth Circuit Court of Appeals issuing a decision on the
5 Appeal, the Parties shall meet and confer regarding a proposed briefing and hearing schedule for
6 any motion for preliminary injunction.

7 4. If the Ninth Circuit Court of Appeals has not issued its decision by November 17,
8 2025, the Parties shall meet and confer in good faith about how this action should proceed in light
9 of developments to date in the Appeal, including the hearing date.

10 5. IYO's agreement to further expedite the Appeal does not constitute a waiver of any
11 jurisdictional arguments or an admission that Defendants are suffering harm and that IYO is not
12 waiving any rights or arguments, including without limitation arguments regarding appellate
13 jurisdiction.

14 6. Defendants are not waiving any rights or arguments, including without limitation,
15 arguments that the Temporary Restraining Order was improperly in effect for longer than 14 days.

16
17 IT IS SO STIPULATED.

18
19 DATED: July 3, 2025

MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, P.C.

20
21
22 By /s/ Andrew D. Skale
23 Andrew D. Skale
24 Attorneys for Plaintiff IYO, Inc.

1 DATED: July 3, 2025

QUINN EMANUEL URQUHART
& SULLIVAN, LLP

2
3
4 By /s/ Margret M. Caruso
Margret M. Caruso
5 *Attorneys for Defendants io Products, Inc.,*
6 *OpenAI, Inc., OpenAI, LLC, and Sam Altman*

7 DATED: July 3, 2025

JONES DAY

8
9
10 By /s/ David Kiernan
David Kiernan
11 *Attorneys for Defendant Sir Jonathan Paul Ive*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

1. Pursuant to the Court's inherent power to manage its docket, this action shall be stayed for all purposes pending the Ninth Circuit Court of Appeals issuing a decision on the Appeal.

2. Within one week of the Ninth Circuit Court of Appeals issuing a decision on the Appeal, the Parties shall meet and confer regarding a proposed briefing and hearing schedule for any motion for preliminary injunction.

3. If the Ninth Circuit Court of Appeals has not issued its decision by November 17, 2025, the Parties shall meet and confer in good faith about how this action should proceed in light of developments to date in the Appeal, including the hearing date.

4. All deadlines set in the Temporary Restraining Order are hereby vacated, except that the hearing on IYO's motion for preliminary injunction is reset to March 17, 2026/_____, 2026.

DATED: _____

The Honorable Trina L. Thompson
United States District Judge

CIVIL LOCAL RULE 5-1 ATTESTATION

I, Margret M. Caruso, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories listed above.

DATED: July 3, 2025

By /s/ Margret M. Caruso